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**To:** Honorable Commissioner For Patents  
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**Subject:** Patent Application 09/970,655, Attorney Docket AUS920010938US1

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Sir:

Attached hereto is a First Amendment to the subject patent application.

Respectfully submitted,

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Attorney For Applicant

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and relationships as set forth in the amended claims is neither anticipated nor rendered obvious by the cited references. Thus, it is submitted that claims 14, 17 and 18, as herein amended, are allowable under 35 USC 103(a) over Hesse even in view of Nabahi.

Thus, it is submitted that claims 1-24, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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elements and relationships as set forth in the amended claims is neither anticipated nor rendered obvious by the cited references. Thus, it is submitted that claim 8, as herein amended, is allowable under 35 USC 103(a) over Hesse even in view of Chen.

Next, with regard to the rejection of claims 14, 17 and 18 under 35 USC 103(a) as being unpatentable over a combination of Hesse in view of Nabahi, it is noted that claim 14 ultimately depends from, and includes all of the limitations of amended independent claim 1, and that claims 17 and 18 ultimately depend from, and includes all of the limitations of amended independent claim 16, and that Nabahi, like Hesse, does not disclose, teach or even suggest **extracting software package identification information from the order or sequence in which the software package modules are organized within the software package** as those features are currently set forth in the amended independent claims. Further, it is noted that there is no suggestion in either Hesse or Nabahi for the hypothetical combination proposed in the above-referenced Office Action, and, in fact, it is submitted that such a hypothetical combination would render each reference inoperable for its respective intended purpose. Nabahi was cited merely to allegedly show the use of a binary format. Applicant notes that Nabahi discloses neither the use of a binary format as used by the applicant, nor the use of extracted binary formatted organizational information to determine identification information associated with a software package. Thus, even a hypothetical combination of Hesse and Nabahi, which is not suggested in either reference, falls short of anticipating or rendering obvious the total combination of the present invention as is currently recited in the amended claims. Further, with regard to claims 17 and 18, it should be noted that applicant is not claiming that optically or magnetically encoded disks are novel *per se*, but rather that the entire combination of elements

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In view of the above noted distinctions, all of the independent claims currently under consideration, i.e. independent claims 1, 16 and 24, have herein been amended to clearly recite the **relationship and dependency between the order or sequence of software package modules and identification information** (e.g. user or program identification information), and that the identification information associated with the software package is extracted from the order in which the modules of the software package are sequenced. With the above noted clarifications, it is submitted that independent claims 1, 16 and 24, as herein amended are believed to be in condition for allowance over the Hesse reference. Further, since claims 2-7, 9-13, 15, 16 and 19-24 are ultimately dependent from, and include all of the limitations of one or more of the amended independent claims, it is submitted that all of claims 1-7, 9-13, 15, 16 and 19-24 are allowable under 35 USC 102(b) over the Hesse reference.

Next, with regard to the rejection of claim 8 under 35 USC 103(a) as being unpatentable over a combination of Hesse in view of Chen, it is noted that claim 8 ultimately depends from, and includes all of the limitations of claim 1, and that Chen, like Hesse, does not disclose, teach or even suggest **extracting software package identification information from the order or sequence in which the software package modules are organized within the software package** as those features are currently set forth in the amended claims. Further, it is noted that there is no suggestion in either Hesse or Chen for the hypothetical combination proposed in the above-referenced Office Action, and, in fact, it is submitted that such a hypothetical combination would render each reference inoperable for its respective intended purpose. Chen was cited merely to show the use of a wireless device. Applicant is not claiming that wireless devices are novel *per se*, but rather that the entire combination of

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information is applied to the serial sequencing of software modules in a software package such that one sequence of software modules represents a binary "one" while another sequence of software modules represents a binary "zero". Thus by determining the relative sequencing of software modules, one is enabled to re-assemble the binary identification information which is embedded into the software package and determine, for example, the licensed owner of the software package and/or the serial number of the software package. Other formats may also be implemented.

The Hesse reference discloses a system for building and installing custom application packages in a distributed computing environment. Application packages are created through the build subsystem by bundling one or more application modules and/or application executables together using and then storing the application packages in the server package storage. Hesse is directed to the need for a system that functionally customizes an application package for particular users using components from one or more application suites and/or components of one or more third party applications. Hesse builds custom computer application packages which are then installed from a server computer to a client computer. Hesse does not extract identification information from the manner in which software modules in the software package are arranged or organized. With the present invention, **the arrangement of software modules within the software package contains the information needed to re-assemble the user identification information** of the software package. Hesse does not recognize the problem solved by the applicant and, indeed, neither addresses the problem nor discloses any functionality that even corresponds to applicant's methodology.